

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CATHERINE C. MCMAHON,

Plaintiff,

v.

BARNES-JEWISH ST. PETERS
HOSPITAL,

Defendants.

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No. 4:14CV1539 JAR

MEMORANDUM AND ORDER

Plaintiff filed this action in the United States District Court for the Western District of Texas. Plaintiff named as defendants several hospitals across the country as well as Texas law enforcement officials. The Texas district court severed the defendants from one another and transferred the several cases to the district courts having jurisdiction over the various hospital defendants.

In this action, plaintiff has filed a rambling complaint appearing to attempt to sue Barnes-Jewish St. Peters hospital for alleged age discrimination. Plaintiff's only allegation against defendant is in paragraph thirty-nine of the complaint: "Upon return to the St. Louis area, I applied to Barnes Jewish St. Peter's Hospital a former employer to the period of time after divorce, denied; Age discrimination."

Plaintiff is proceeding in forma pauperis. Under 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. An action is frivolous if it "lacks an arguable basis in either law or fact." Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992). An action is malicious if it is undertaken for the purpose of harassing the named

defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff'd 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead "enough facts to state a claim to relief that is plausible on its face." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).


The complaint does not state a plausible claim for relief because the allegations against defendant are wholly conclusory and fail to allege any facts, which if proved, would entitle plaintiff to relief. As a result, the Court will dismiss this action under 28 U.S.C. § 1915(e).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

A separate Order of Dismissal will be filed forthwith.

Dated this 16th day of September, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE